GOVERNMENT OF MYSORE

Mysore Government Secretariat
Vidhana Soudha
Bangalore Dated: 4th May 1960
Vaishaka 28 Saka 1882

No:RD 4 LAD 1960.

N O T I F I C A T I O N

In exercise of the powers conferred by section 233 of the Mysore Land Revenue Code, 1888 (Mysore Act IV of 1888), and all other powers enabling it in this behalf, the Government of Mysore hereby makes the following rules, namely:-

1. (1) Title and commencement:- These rules may be called the Mysore Land Revenue (Amendment) Rules 1960.

(2) They shall come into force on the date of their publication in the Mysore Gazette.

2. Substitution of new rules for rules 41 to 43 M:-

For rules 41 to 43 M, of the Mysore Land Revenue Rules, the following rules, shall be substituted, namely:-

" 41 Definitions:- In this chapter, unless the context other wise requires -

(a) "displaced holder" means a person deprived of agricultural land owned by him having been acquired for a public purpose or for a company or for a local authority under the Land Acquisition Act;

(b) "displaced tenant" means a person deprived of agricultural land of which he was a tenant and which land he was cultivating personally, such land having been acquired for any public purpose or for a company or for a local authority under the Land Acquisition Act;

(c) "Ex-servicemen" means persons who have been permanently retired from the former Mysore State Forces or

contd..

the former Indian Army or from the Armed Forces of the Union;

(d) "Political Sufferer" means any person who had gone to jail or suffered substantial loss of property or income in the cause of Indian Independence or the establishment of responsible Government in Mysore as a result of taking part in movements launched or sponsored by the Indian National Congress or under its sanction or by the Mysore State Congress, and includes the spouse or child of a deceased Political Sufferer;

(e) "Sufficient holder" means a person who owns not less than two acres of garden land, or two acres of wet land having assured irrigation facilities from tanks or channels, or four acres of other kinds of wet land, or ten acres of dry land.

EXPLANATION : If a person owns more than one class of land, the extent of land owned by him for purposes of this clause shall be determined by converting the extent of different classes of land into the equivalent extent of dry land as follows:-

One acre of garden land or one acre of wet land having assured irrigation facilities from tanks or channels shall be deemed to be equivalent to two acres of other kinds of wet land or to four acres of dry land.

(f) "Insufficient holder" means a person who is not a sufficient holder.

(g) "To cultivate personally" means to cultivate land on one's own account -

(i) by one's own labour, or
(ii) by the labour of any member of one's family, or
(iii) by hired labour or by servants on wages payable in cash or kind but not in crop share under the personal supervision of oneself or any member of one's family.

EXPLANATION: In the case of a joint Hindu family, the land shall be deemed to be cultivated personally, if it is cultivated by any member of such family.

contd..

(h) "Reserved trees" means Sandal, Teak, and such other species of trees as the Government may by order declare to be reserved ~~trees~~ in any area or areas as may be specified in the order.

42. Powers of different Revenue Officers in respect of grant of lands:

The powers of the different Revenue Officers as regards the grant of land under these rules shall be as follows and any grant made in contravention of these provisions shall be void, and any person occupying any land under such a grant shall be dealt with under Section 59 of the Code.

(1) The Tahsildar to whom the power of the Deputy Commissioner in this behalf has been delegated may grant not exceeding two acres of rain-fed wet land or four acres of dry land, provided the market value of such land including the value of trees thereon does not exceed three hundred rupees.

(2) The Assistant Commissioner in-charge of a taluk or any Assistant Commissioner appointed by Government to a district, to whom the duties and powers of the Deputy Commissioner as regards grant of un-occupied lands are assigned may grant land not exceeding two acres of land fit for garden cultivation ~~land~~ or wet land with assured irrigation facilities from tanks or channels or four acres of other kinds of wet land or eight acres of dry land provided the market value of such land including the value of trees thereon does not exceed one thousand rupees.

(3) (i) The Deputy Commissioner may grant land not exceeding five acres of garden land or wet land with assured irrigation facilities from tanks or channels or ten acres of other kinds of wet land or ten acres or dry land provided

contd..

the market value of such land including the value of trees thereon does not exceed two thousand rupees; where the market value of such land including the value of trees thereon exceeds two thousand rupees but does not exceed five thousand rupees, the Deputy Commissioner may grant the land with the previous sanction of the Divisional Commissioner.

ii. Where the grant is made to a displaced holder or a displaced tenant, the Deputy Commissioner, may grant the land upto ten acres of garden land or wet land with assured irrigation facilities from tanks or channels or twenty acres of any other kind of wet land or forty acres of dry land, irrespective of the value of the land.

iii. The Deputy Commissioner may grant land required for the better enjoyment of the land held nearby to the land so held up-to twenty guntas of garden land or wet land with assured irrigation facilities from tanks or channels or one acres of other kinds of wet land or two acres of dry land, provided the market value of such land does not exceed one thousand and five hundred rupees. The Deputy Commissioner -may, with the previous sanction of the Divisional Commissioner, also grant land required for better enjoyment of the land held nearby up to one acre of wet land or two acres of dry land provided the market value of such land does not exceed three thousand rupees.

(4) No grant of land shall be made by the Deputy Commissioner or other officer, in any case other than those specified above, or in excess of the extent prescribed above except with the previous sanction of the Government.

(5) In respect of determination of the value of trees ~~and other forest growth~~ for purposes of any of the preceding clauses, where the estimated value exceeds one thousand rupees, the valuation shall be got confirmed by

contd..

The District Forest Officer and where there is a difference of opinion as regards the value between the Revenue Officer and the District Forest Officer, the valuation made by the District Forest Officer shall be deemed to be the value of the trees.

43. Procedure for disposal of lands for cultivation:

(1) Applications for grant of lands under the control of the Revenue Department shall be made to the Tahsildar of the taluk in which theland applied for is situated. It shall be in writing and shall contain the follow ng particulars:-

i. The name and address of the applicant.

ii. The extent of land if any already owned by him or his family if he is a member of a joint family.

iii. The particulars of the land applied for.

iv. And whether the belongs to a Scheduled Caste or a Scheduled tribe or is a Political Sufferer or displaced holder or tenant.

Applications presented to oth r authorities shall be forwarded by them to the Tahsildar.

(2) The Tahsildar shall immediately on receipt of an application ascertain if the land in question is available for grant and is under the control of the Revenue Department.

(3) If the land applied for is not available for Disposal the application shall be rejected under intimation to the applicant provided that where the land applied for is Government land but is not under the control of the Revenue Department, and the Tahsildar is of the opinion that such land could be released for cultivation, he shall make a report to the Deputy Commissioner who shall if necessary take appropriate action to get such land released for disposal.

contd..

(4) All applications for grant of land under these rules shall be registered in the order in which they are received in a register which shall be maintained in the Taluk Office in Form No.[illegible] of Appendix 'D'.

43.A. Preparation of list of lands available for disposal:

For determining the lands available for disposal in any village, the Tahsildar shall prepare a list of the lands which have been or have to be assigned for special purposes under Section 39 of the Code, such as for free pasturage, for village cattle, for forest reserve or for any other public purpose including cattle sheds and stands, sites for stacking hay and other agricultural produce, manure pits, extension of Gramatanas, provision of sites for school buildings, play grounds and gymnasia, sites for other public buildings like offices of village panchayats and Co-operative Societies, and burial and cremation grounds. Only unoccupied lands fit for cultivation remaining after reserving sufficient extent for the aforesaid special purposes, shall be included in the list of lands available for disposal.

43.B. Restriction on disposal of land with reserved trees:

No land with more than twenty five reserved trees in an acre shall be disposed of for cultivation except under the special orders of Government.

43.C. Ordinary grants of lands:

(1) Lands under the control of the Revenue Department may be granted to an individual who -

(i) is poor, and
(ii) has attained majority; and
(iii) is either a bonafide agriculturist cultivating land personally or bonafide intends to cultivate the land personally.

contd..

(2) Notwithstanding anything contained in Sub-rule (1) any individual holding land may be granted for an upset price, land near to the land so held, if such nearby land is, in the opinion of the authority granting the land, required for the better enjoyment or better cultivation of the land so held.

(3) In respect of land granted under this rule -

(i) The occupancy price payable for dry land and rain-fed wet land shall ordinarily be not less than ten and not more than twenty times the assessment of the said land;

(ii) The Occupancy price payable for wet land with assured irrigation facilities from tanks or channels shall be at such rates as may be fixed by Government from time to time;

(iii) The occupancy price for garden land shall be the market value of such land;

(iv) The occupancy price of any other land shall ordinarily be not less than ~~six~~ times and not more than twenty times the assessment of the said land.

(4) As a rule land shall be granted on payment of occupancy price or free of cost to poor and landless persons or insufficient holders who are eligible for the grant under ~~sub~~-rule 43-C ~~(1)~~. In special cases where the land is very valuable or where there is no demand for the land from persons eligible for the grant under ~~sub~~-rule 43-C (1) and (2), the Deputy Commissioner, or other officer authorised by him in this behalf, may sell such land by Public auction.

43.D. Grant of lands to certain categories of persons and institutions:

(1) a. Lands under the control of the Revenue Department may be granted to a political sufferer who;

(i) is poor; and
(ii) has attained majority; and
(iii) is either a bona-fide agriculturist cultivating land personally or bonafide intends to cultivate the land personally.

contd..

(b) A Political Sufferer who is an insufficient holder may be granted free of cost under this ~~sub-~~Rule upto two acres of wet land with assured irrigation facilities from tanks or channels or four acres of other kinds of wet land or ten acres of dry land.

(2) The following provisions shall be applicable to the grant of lands to displaced holders and displaced tenants.

(a) The extent of land granted shall not exceed the extent of land of which the displaced holder or displaced tenant was deprived due to the acquisition.

Explanation: For purposes of this ~~sub-~~Rule one acre of garden land shall be deemed to be equivalent to one acre of wet land having assured irrigation facilities from tanks or channels or two acres of other kinds of wet land or four acres of dry land. ~~for calculating the extent of land to be granted~~.

(b) (i) Where the extent of agricultural land of which the displaced holder or displaced tenant was deprived by the acquisition was equal to or less than five acres of rain fed wet land, an equal extent of wet land with assured irrigation facilities from tanks or channels may be granted. Where such extent exceeds five acres, five acres plus half the area in excess of five acres may be granted in terms of wet land with assured irrigation facilities from tanks or channels.

(ii) Where the agricultural land of which the displaced holder or displaced tenant was deprived by the acquisition was arecanut garden land, an equal extent of wet land with assured irrigation facilities under tanks or channels or twice the extent of other kinds of wet land may be granted.

contd..

(iii) Where the agricultural land of which the displaced holder or displaced tenant was deprived by the acquisition was dry land, an equal extent of dry land or one-fourth of that extent of wet land with assured irrigation facilities from tanks or channels or one-half of that extent of other kinds of wet land may be granted.

(iv) Where the land of which the displaced holder or displaced tenant was deprived by the acquisition was wet land other than wet land with assured irrigation facilities from tanks or channels, an equal extent of the same category of land may be granted.

c) The extent of land, if any, to be granted to the displaced holder or displaced tenant shall be such that the total land held by him, whether as owner or tenant or partly as owner or partly as tenant, after such grant shall not exceed twenty five acres of garden land or wet land with assured irrigation facilities from tanks or channels or forty acres of other kinds of wet land or seventy five acres of dry land.

d) The grant in favour of the displaced holder or displaced tenant shall not except with the previous sanction of the Government, exceed ten acres of garden land or wet land with assured irrigation facilities from tanks or channels or twenty acres of other kinds of wet land or forty acres of dry land.

e) A displaced tenant may be granted land free of cost upto two acres of wet land with assured irrigation facilities from tanks or channels or four acres of other kinds of wet land or ten acres of dry land, subject to the condition that he shall pay the betterment contribution, if any, in respect of that land and also the value of the trees standing on the land.

contd..

(3) Educational Institutions:

a) Lands under the control of the Revenue Department may be leased by Deputy Commissioners to schools, colleges, training institutions for Social Welfare Workers and students' hostels (other than Government schools, colleges and hostels) recognised by the Director of Public Instruction or the University, as the case may be, for cultivation by the students of the schools or colleges or by the inmates of the training institutions for social welfare workers or the hostels, as the case may be, for such period not exceeding thirty years as the authority competent to lease the land deems fit, on an annual rent equal to the land revenue payable in respect of the land, and subject to the following conditions:-

(i) the land should be utilised only for the purposes for which it is leased;

(ii) the proceeds derived from the land should be utilised only for the benefit of the institution;

(iii) the land leased under this ~~sub-~~Rule should not be subleased;

(iv) no act which is destructive or permanently injurious to the land should be done;

(v) the lease may be terminated for contravening any of the aforesaid conditions, or for non-payment of the rent of the land for any year, or when recognition to the educational institution by the Director of Public Instruction or by the University, as the case may be, is withdrawn or by six months notice ~~ending with the 31st March of any year~~;

b) In determining the extent of land to be leased under clause (a), the Revenue Officer concerned shall have due regard to the availability of the land in the locality and the number of students or inmates in the Institution concerned, and the total extent of land which may be leased shall not exceed ten acres of wet land or twenty five acres of dry or rain-fed wet land:

contd..

Provided that land in excess of the aforesaid extent may be leased with the previous sanction of Government.

43. E. Reservation of lands:

Lands available for disposal in a village shall be reserved, for grant to the different categories of persons eligible for such grant, in accordance with the following provisions:-

a) Where the area of land available for disposal in any village is less than ten acres, the entire available extent shall be reserved for grant to applicants belonging to the Scheduled Castes and Scheduled Tribes who are ordinarily resident in the village.

b) Where the land available for disposal in a village is more than ten acres, fifty per cent of the land so available, subject to a minimum of ten acres, shall be reserved for grant to applicants belonging to the Scheduled Castes and Scheduled Tribes ordinarily resident in the village, and the balance of the area may be disposed of to others ordinarily resident in the village in the order of priority specified in rule 43-F.

c) Where there are no applicants belonging to the Scheduled Castes or Scheduled Tribes ordinarily resident in a village or where any land reserved for them under clause (a) or (b) is available after being granted to applicants belonging to such castes and tribes, the land reserved for them or the excess land reserved for them, as the case may be, may be granted to other eligible persons ordinarily resident in the village in the order of priority specified in rule 43-F

d) Where after meeting the requirements of applicants ordinarily resident in the village under clause(c),

contd..

any land reserved under clause (a) or (b) is still available for disposal, such land may be granted to applicants belonging to the Scheduled Castes and Scheduled Tribes ordinarily resident in neighbouring or nearby villages.

(e) Applicants belonging to Scheduled Castes and Scheduled Tribes may be granted lands over and above the fifty per cent of the available land referred to in clause (b) if lands are available and there are no other applicants.

(f) Where the extent of land available for disposal in a village is more than ten acres, twenty per cent of the available land shall be reserved for grant to political sufferers, subject to the minimum of ten acres being reserved for grant to applicants belonging to Scheduled Castes and Scheduled Tribes.

(g) Notwithstanding anything contained in the proce/ding clauses, applicants who are displaced holders or displaced tenants who were cultivating personally the land of which they were deprived by the acquisition, may be granted any available land whether reserved under any of the proce/ding clauses or not in preference to all other applicants including applicants belonging to Scheduled Castes, Scheduled Tribes and applicants who are Political Sufferers.

43.F. Order of priority and extent of land to be granted:

(1) The lands available for disposal in a village, after reservation of the extends specified in rule 43-E for grant to members of the Scheduled Castes and Scheduled Tribes and Political Sufferers, may be granted in the order of preference as indicated below:-

(i) Displaced holders and displaced tenants ordinarily resident in the village.

contd..

(ii) Displaced holders and displaced tenants ordinarily residents in a neighbouring or nearby village.

(iii) Educational Institutions.

(iv) Poor and landless persons ordinarily resident in the village.

(v) Ex-Servicemen.

(vi) Insufficient holders ordinarily resident in the village.

(vii) Poor and landless persons ordinarily residing in neighbouring or nearby villages.

(viii) Insufficient holders ordinarily residing in neighbouring or nearby villages.

(2) Subject to provisions of the preceding rules, every applicant other than displaced holder or displaced tenant or political sufferer, may be granted two acres of garden land or wet land with assured irrigation facilities from tanks or channels or four acres of other kinds of wet land or ten acres of dry land. Land in excess of the aforesaid extent may be granted, if more land is available.

43. G. Grant of lands under the preceding rules shall be subject to the following conditions:

(1) In the case of grant of lands to applicants belonging to the Seheduled Castes and Scheduled Tribes, and to other applicants, who are unable to pay the occupancy price on account of poverty, the occupancy price may be waived upto rupees two hundred and the balance recovered in three annual instalments.

(2) In the case of grant of land to applicants who are ex-servicemen the occupancy price shall be waived

contd..

upto the extent awarded by Government under the Military Concession Rules.

(3) In the case of grant of land free of occupancy price, the grant shall be subject to the condition that the grantee shall pay contribution or betterment levy in respect of the land and the value of trees standing on the land.

(4) Where the grant is made free of cost, or when the grant is made at a price which is less than the full market value the grant shall be subject to the condition that the land shall not be alienated for a period of fifteen years from the date of the grantee taking possession of the land, after the grant.

Provided that such land may be alienated with the previous sanction of the Government and subject to such conditions as the Government may specify, if the Government is of the opinion that in the circumstances, of any case it is just and reasonable to permit such alienation either for purposes of acquiring some other land or for any other purpose.

Provided further that nothing in this clause shall apply to:

a) the alienation of any land in favour of the State Government or Co-operative Society as security for loans obtained for improvement of the land or for buying cattle or agricultural implements for the cultivation of the land, or alienation of any land in favour of the Indian Coffee Board as security for loans advance by the Indian Coffee Board under the Coffee Development Plan;

b) the leasing of any land by a person who is a widow, a minor or who is subject to physical or mental disability or who is a serving member of the armed forces.

contd..

(5) the grantee shall cultivate the land personally.

(6) the land shall be brought under cultivation within two years from the date of the grantee taking possession of the land.

(7) the grant is liable to be terminated and the land resumed if any of the aforesaid conditions is not fulfilled, and on such resumption the land shall vest in Government free from all encumbrances.

Provided that no land shall be resumed under this clause except after giving an opportunity to the grantee or his successor in interest to show cause why the grant should not be terminated and the land resumed.

43.H. Grant of land for cultivation of plantation crops:

(1) Notwithstanding anything contained in the preceding rules of this chapter grant of lands for cultivation of coffee, tea, rubber, cardamum, pepper and cashewnut may be made to any person;

Provided that while making any such grant preference shall be given to applicants belonging to Scheduled Castes and Tribes and to other poor and landless persons and insufficient holders;

Provided further that grant of lands for coffee cultivation shall be on a lease basis in the first instance subject to confirmation after the grantee obtains a license from the Indian Coffee Board for planting coffee on the area so leased within a period of five years from the date of such lease.

(2) (i) Coffee, Tea and Cardamum cultivation:- An extent upto fifty acres may be granted to an applicant for coffee or tea or Cardamum cultivation provided the total holding together with the area to be granted under plantation crops of such applicant does not exceed one hundred acres.

contd..

(ii) Rubber cultivation:- An extent upto twenty five acres may be granted for cultivation of rubber provided the total holding under plantation crops of such applicant does not exceed one hundred acres.

(iii) Pepper cultivation: An extent upto twenty five acres may be granted for cultivation of pepper.

(iv) Cashewnut cultivation: An extent upto twenty five acres may be granted for cultivation of cashewnut.

3. (i) Notwithstanding anything contained in rule 42, the Assistant Commissioner may grant land fit for the cultivation of plantation crops mentioned above an area not exceeding five acres provided the market value of such land including the value of trees thereon does not exceed one thousand rupees.

(ii) Notwithstanding anything contained in rule 42, the Deputy Commissioner may granted land fit for the cultivation of plantation crops mentioned above an area not exceeding twenty five acres provided the market value of such land including the value of trees thereon does not exceed two thousand rupees; where the market value of such land including the value of trees thereon exceeds two thousand rupees but does not exceed five thousand rupees the Deputy Commissioner may grant such land with the previous sanction of the Divisional Commissioner.

Provided that where the extent of land to be granted exceeds twenty five acres in extent or the value of such land including the value of the trees thereon exceeds rupees five thousand, previous sanction of Government shall be obtained. In deserving cases, the Government may sanction land fit for the cultivation of plantation crops upto 100 acres.

contd..

(4) Occupancy Price: The occupancy price payable in respect of grant of land under this rule shall be the market value of such land.

(5) Conditions of grant: (i) The land granted shall not be alienated for a period of fifteen years from the date of the grantee taking possession of the land;

Provided that such land may be alienated with the previous sanction of the Government and subject to such conditions as the Government may specify, if the Government is of the opinion that in the circumstances of any case, it is just and reasonable to permit such alienation either for purposes of acquiring some other land or for any other purpose;

(ii) The area granted shall be brought under cultivation within five years from the date of the grantee taking possession of the land;

(iii) The grant is liable to be terminated and resumed if the land is appropriated for a purpose other than that for which the land is granted, or if any of the aforesaid conditions is not fulfilled.

Provided that no land shall be resumed under this clause except after giving an opportunity to the grantee or his successor in interest to show cause why the grant should not be terminated and the land resumed.

43.I. Cancellation of grant:

Any grant of land made under these rules shall be liable to be cancelled and the land resumed by Government, where the grant has been obtained by making false or fraudulent representations;

Provided that no such cancellation shall be made except after giving an opportunity to the grantee

contd..

to show cause why the grant should not cancelled.

43.J. Grant of land to persons to whom lands have been leased Temporarily:

Notwithstanding anything contained in the preceding rules of this chapter, in the case of agricultural land leased by competent authority to any person for purposes of cultivation at any time before the commencement of the Mysore Land Revenue (Amendment) Rules, 1960 if such land ~~granted on lease~~ is available for disposal and if the conditions of the lease have been complied with ~~such~~ the land may be granted to the lessee ~~in accordance with the preceding rules of this chapter.~~

43. K. Grant of land discretionary:

Nothing contained in these rules shall be deemed to confer on any person any right to the grant of any land, and the authority competent to make or sanction the grant may pass orders as it deems fit taking all the relevant circumstances into consideration.

43. L. Powers of Government:

Notwithstanding anything contained in the preceding rules the Government may 'suomotu' or on the recommendation of the Divisional Commissioner or the Deputy Commissioner if it is of the opinion that in the circumstances of any case or class of cases it is just and reasonable to relax any of the ~~conditions under which land may be granted under~~ foregoing provisions of these rules, it may by order direct such relaxation subject to such conditons as may be specified in the order, and thereupon land may be granted in such a case in accordance with such direction.

contd..

3. Omission of Appendix N: Appendix 'N' to the Mysore Land Revenue Rules shall be omitted.

4. Savings: Notwithstanding anything contained in the preceding rules, in respect of the substitution of rules 41 to 43-M by the new rules 41 to 43-L by rule 2 of these rules and the omission of Appendix 'N' by rule 4 of these rules, the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if the said rules 41 to 43-M and the said Appendix 'N' were an enactment and had been repealed by a Mysore Act, and accordingly the said rules and Appendix shall for the purposes mentioned in section 6 of the said Act be deemed to continue in force.

By order and in the name of the
Governor of Mysore

(M.S. SWAMINATHAN)
SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT.

rsr/-

TO

The Compiler, Mysore Gazette for publication in the next issue of the Gazette and for the supply of 2,000 copies to this office.

Copy to:

1) Divisional Commissioners, Bangalore & Mysore Divisions.

2) Deputy Commissioners of all Districts in Old Mysore area excluding Bellary.

3) Special Officer for Rehabilitation and Irrigation Development, Tunga Bhadra & Sharavathi valley Projects, Shimoga.

4) Assistant Commissioners of all sub divisions in old Mysore area excluding Bellary.

5) Special Land Acquisition Officers, Narasimharaja-pura, Shimoga and Sagar.

6) Special Officers for the disposal of darkhasts, Chickmagalur, Mysore and Tumkur.

7) Tahsildars of all taluks in Old Mysore area excluding Bellary.

8) All Secretaries to Government.

9) All Heads of Departments.

Weekly Gazette, Stock file and S.G.F.

rsr/-3-5.